

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
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TEXAS-EASTERN

RAY LOUIS JOHNSON, JR. §  
VS. § CIVIL ACTION NO. 4:06cv33  
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER

Petitioner Ray Louis Johnson, Jr., an inmate confined in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner has submitted an application to proceed *in forma pauperis*. Petitioner's application to proceed *in forma pauperis* states he has a balance of \$74.42 in his inmate trust account and that \$260 was deposited into such account during the preceding six months.

Since 1892, Congress has permitted indigent persons to bring lawsuits in federal courts without prepayment of filing fees. Act of July 20, 1892, ch. 209.27 Stat. 252 (codified, as amended, at 28 U.S.C. § 1915). Section 1915 is intended to provide access to the federal courts for plaintiffs who lack the financial resources to pay any part of the statutory filing costs. However, a district court may order users of the courts to pay the filing fees when they are financially able to do so. See *Williams v. Estelle*, 681 F.2d 946 (5th Cir. 1982).

Due to the overwhelming flood of *in forma pauperis* litigation by incarcerated prisoners, many districts, including this district, require prisoners to pay the filing fee when they can afford to do so. See General Order 94-7. While this fee requirement is not intended to deter meritorious litigation from receiving the judicial consideration warranted, the filing fee should cause reflection on the part of the would-be litigant as to his responsibility to not burden the courts with frivolous litigation. This same reflection is expected, and demanded, in non-*pro se in forma pauperis* litigation.

Following a review of petitioner's application to proceed *in forma pauperis* and General Order 94-7, the court is of the opinion petitioner's application to proceed *in forma pauperis* should be denied and petitioner directed to pay the \$5 filing fee.

ORDER

For the reasons set forth above, petitioner's motion to proceed *in forma pauperis* is **DENIED**. Petitioner shall, within 30 days of the date set forth below, submit the \$5 filing fee to the court.

SIGNED this 15 day of Feb, 2006.

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE